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| 10/039,313      | 10/27/2001  | Shahram Shariff      | 006593-01953        | 2119             |

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EXAMINER

ASHLEY, BOYER DOLINGER

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3724

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/039,313

Applicant(s)

SHARIFF ET AL.

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

1. This office action is in response to applicant's amendment filed 3/15/04, wherein claims 1-4 were amended and claim 16 was added.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al., U.S. Patent 2,573,861, in view of Baker, U.S. Patent application 2002/0142073.

Meeker et al. discloses the invention substantially as claimed including: a gripping plate (90/112) having a front surface (shown with teeth in Figures 1-3) and a rear surface (shown opposite the front in Figures 1-3), such that the front surface is shaped to grip a food product (see Figures 1-3, the teeth 91 grip food products); said plate including an attachment portion (93/99/102/101) extending generally outwardly from the rear surface; a handle (95) having an opening shaped to releasably receive the attachment portion; and a feed arm (80) including a pair of annulus (see Figures 4 and 5), a first one (see Figure 4) of said annulus being shaped to be generally located between the handle and said gripping plate, a second one (see Figure 5) of said annulus being capable of receiving a slide rod (77) of a slicer.

Meeker et al. lacks the attachment portion that includes a pair of opposed, generally laterally extending legs with feet and a handle that is shaped to receive the feet of the attachment portion. However, Baker discloses that it is old and well known in the art to use elongated attachment portions with opposed laterally extending legs with feet that engage corresponding feet detents for the purpose of releasably connecting handles to cutting tools such that the handles are easily removable and replaceable (see, e.g., Figures 11b and 13, paragraphs [0075] and [0078]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the elongated attachment bar of Meeker et al. with elongated opposed legs with feet that engage corresponding feet detents in order to provide a quick releasable handle connection.

As to claim 3, the modified device of Meeker et al. discloses the use of teeth extending generally forwardly from the front surface, see Figures 2, 4, and 6.

As to claim 5, the modified device of Meeker et al. discloses the first annulus being shaped to receive the attachment portion of the gripping plate therethrough.

As to claim 6, the modified device of Meeker et al. discloses the use of a connection arm (see Figure 1 of Meeker et al.) coupled to and extending between both of the annulus.

As to claim 8, the modified device of Meeker et al. discloses the use of feet that extend generally outwardly from it's associated leg and includes a curved outer surface.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al. in view of Baker as applied to claim 1 above, and further in view of the Hobart

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Catalog of replacement parts, hereinafter Hobart, and Kondo et al., U.S. Patent 5,622,035, or Maughan, U.S. Patent 5,607,249.

The modified device of Meeker et al. discloses the invention substantially as claimed except for a wave washer located between the handle and the feed arm or between the feed arm and the gripping plate such that the handle is urged away from the plate and/or the feed arm.

The modified device of Meeker et al. does however teach the need for a spring for to urge the handle away from the connection site such that the opposed feet are frictionally engaged with the feet detents. The Hobart discloses that it is old and well known in the art to use washers between feed arms and handle for the purpose of facilitating the attachment between the handle and the feed arm. Kondo et al. and Maughan both discloses that it is old and well known in the art to use wave washers for the purpose of urging two attached elements away from each other such that the connection is facilitated. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a wave washer between the feed arm and the handle of the modified device of Meeker et al. in order to urge the feed arm and handle away from each other such that the opposed feet of attachment portion are frictionally engaged with the feet detents thereby facilitating the connection between the handle and the attachment portion.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al., U.S. Patent 2,573,861, in view of Baker as explained above regarding claims 1 and 3 and further in view of the following.

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The modified device of Meeker et al. discloses the invention substantially as claimed except for the specific teeth length between about 0.35 and about 0.40 inches and for the specific tip diameter between about 0.05 inches to about .15 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the teeth with a length between .35 and .4 inches as well as making the tip diameter between .05 inches and .15 inches for the purpose of facilitating gripping of a food product depending upon the type of food product being cut, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker et al. in view of Baker as explained above regarding claim 1 and further in view of the following.

The modified device of Meeker et al. discloses the invention substantially as claimed except for the opening in the handle having a generally inwardly tapered sidewall. However, the examiner takes official notice that it is old and well known in the art to use tapered openings in conjunction with connections that include resilient legs with feet that engage foot detents for the purpose of facilitate movement of the legs into the locked position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use tapered side walls with the modified

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device of Meeker et al. in order to facilitate movement of the legs into the locked position.

As to claim 10, the modified device of Meeker et al. discloses the invention substantially as claimed except for the second one of the annulus contributing at least 50 percent of the weight of the feed grip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second annulus with at least 50 percent of the weight of the feed grip in order to a user's ease in rotating the feed grip by reducing the amount of weight the user would need to lift, because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Little, U.S. Patent Des. 165,082 in view of Baker or Leibundgut et al., U.S. Patent 4,021,914.

Little both discloses the invention substantially as claimed including: a gripping plate (Figure II) having a front surface (shown with teeth in Figure IV) and a rear surface (shown opposite the front in Figure IV), such that the front surface is shaped to grip a food product; a handle (Figure IV); and a feed arm (see Figure IV) including a pair of annulus (see Figure IV), a first one (see Figures II and IV) of said annulus being shaped to be generally located between the handle and said gripping plate, a second one (see Figures II and IV) of said annulus being capable of receiving a slide rod of a slicer.

Little lacks the attachment portion that includes a pair of opposed, generally laterally extending legs with feet and a handle that is shaped to receive the feet of the attachment portion. However, Baker discloses that it is old and well known in the art to

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use elongated attachment portions with opposed laterally extending legs with feet that engage corresponding feet detents for the purpose of releasably connecting handles to cutting tools such that the handles are easily removable and replaceable (see, e.g., Figures 11b and 13, paragraphs [0075] and [0078]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace the attachment mechanism of Little with elongated opposed legs with feet that engage corresponding feet detents in order to provide a quick releasable handle connection.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-10 and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the



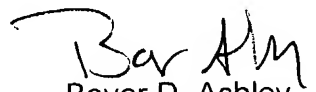
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Boyer D. Ashley  
Primary Examiner  
Art Unit 3724

BDA  
June 7, 2004